

House File 3 - Introduced

HOUSE FILE 3

BY KOESTER

A BILL FOR

1 An Act relating to statute-of-repose periods for improvements
2 to real property and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 11, Code 2017, is
2 amended to read as follows:

3 11. *Improvements to real property.* In addition to
4 limitations contained elsewhere in [this section](#), an action
5 arising out of the unsafe or defective condition of an
6 improvement to real property based on tort and implied warranty
7 and for contribution and indemnity, and founded on injury to
8 property, real or personal, or injury to the person or wrongful
9 death, shall not be brought more than ~~fifteen~~ eight years after
10 the date on which occurred the act or omission of the defendant
11 alleged in the action to have been the cause of the injury or
12 death. However, [this subsection](#) does not bar an action against
13 a person solely in the person's capacity as an owner, occupant,
14 or operator of an improvement to real property.

15 Sec. 2. APPLICABILITY. This Act does not apply to an
16 improvement to real property in existence prior to the
17 effective date of this Act.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to the statute-of-repose period in a
22 case arising out of the unsafe or defective condition of an
23 improvement to real property.

24 Under current law, a case arising out of the unsafe or
25 defective condition of an improvement to real property is
26 subject to a 15-year statute of repose. Such cases are based
27 upon an injury to property or an injury or death of a person.
28 The bill reduces the period of the statute of repose from 15
29 years to 8 years.

30 A statute-of-repose period differs from a
31 statute-of-limitations period in that a statute of repose
32 establishes a time period after which a lawsuit based upon
33 negligence in an improvement to real property cannot be filed
34 regardless of whether an injury to a person or to property has
35 occurred. A statute-of-limitations period begins at the date

1 of the injury or upon discovery of the deficiency.

2 The bill does not reduce the statute of repose for real
3 property improvements in existence prior to the effective date
4 of the bill.